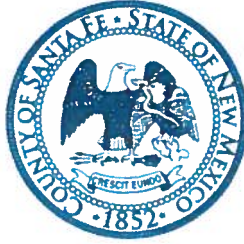


Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: *October 12, 2016*

TO: *Board of County Commissioners*

FROM: *Michael Kelley, Public Works Department Director*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *Special BCC Meeting October 28, 2016*
Ordinance No. 2016-____, An Ordinance Amending Ordinance No. 2016-04 to Extend the Deadline for Commercial Solid Waste Haulers to Provide Bundled Refuse and Recycling Collection Services (Public Works/Craig O'Hare)(FIRST AND ONLY PUBLIC HEARING)

SUMMARY:

The referenced ordinance amends the Residential Solid Waste and Recycling Collection and Reporting Ordinance (2016-04) to: 1) change the compliance date for curbside collection of recyclables in the Solid Waste Collection District from November 1, 2016 to February 1, 2017, and 2) provide the Public Works Director with the authority to grant extensions for up to two months to the February 1, 2017 deadline on a case-by-case basis for good cause.

BACKGROUND:

At the May 31, 2016 meeting, the Board of County Commissioners adopted the Residential Solid Waste and Recycling Collection and Reporting Ordinance. Public Works Department staff communicated the requirements of the new ordinance to the affected solid waste haulers shortly thereafter. Initially, no solid waste haulers anticipated any difficulties with meeting the November 1st deadline for beginning curbside recycling collection. The haulers were asked, however, to let staff know if they subsequently encountered problems with meeting the deadline.

On October 4th, staff was contacted by one hauler who indicated that their supplier/manufacture of recycling carts had encountered production difficulties. That hauler was informed that they would not be receiving the carts they had ordered until December, thus making it impossible for the hauler to comply with the November 1 deadline. Delays in procuring refuse and recycling carts are not uncommon in the solid waste industry. In the summer, a different hauler communicated to staff that if a time extension was granted to one hauler, out of fairness, it should be granted to all haulers. Staff agrees with that perspective.

At the October 11, 2016 BCC meeting, the Commission authorized staff to publish title and general summary of the ordinance and scheduled the public hearing for a special BCC meeting on October 28, 2016. The hearing notice appeared in the October 14, 2016 edition of the Albuquerque Journal.

DISCUSSION:

Staff feels that the proposed amendment is reasonable and appropriate and does not compromise the original intent of the ordinance.

ACTION REQUESTED:

Conduct a public hearing and possible action by the governing body.

Attachments:

1. Ordinance Amending Ordinance No. 2016-04

SANTA FE COUNTY

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING ORDINANCE NO. 2016-04 TO EXTEND THE DEADLINE FOR COMMERCIAL SOLID WASTE HAULERS TO PROVIDE BUNDLED REFUSE AND RECYCLING COLLECTION SERVICES

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY:**

Section 1. FINDINGS.

1.1 Section 6(A) of Santa Fe County ("County") Ordinance No. 2016-04 requires Solid Waste Haulers ("SW Haulers") who provide curbside residential refuse collection services to customers within the Collection District established by the Ordinance to also provide curbside collection of Recyclables to their customers.

1.2 The deadline for providing the new service required under Section 6(A) of Ordinance No. 2016-04 is 120 days after the Ordinance's effective date, which is November 1, 2016.

1.3 The deadline imposed under Section 6(A) of Ordinance 2016-04 is overly stringent, and therefore, some SW Haulers will be unable to comply through no fault of their own. Moreover, in order to accommodate individual circumstances, the Public Works Director should have authority to grant limited extensions on a case-by-case basis.

1.4 In order to avoid possible disruption or delay in the collection and proper disposal of refuse within the Collection District, the deadline imposed under Section 6(A) of Ordinance 2016-04 should be extended.

1.5 Pursuant to NMSA 1978, 4-37-9(C), it is necessary for the public peace, health and safety that the instant Ordinance take effect immediately upon being duly filed in the records of the County Clerk.

Section 2. AMENDMENT. Ordinance No. 2016-04 by is hereby amended by replacing the first sentence of Section 6(A) of the Ordinance in its entirety with the following:

"A. On or before February 1, 2017, all SW Haulers who provide curbside residential refuse collection services to customers within the Collection District shall also, as part of such service, collect Recyclables in containers separate from the refuse containers; *provided*, however, that the Santa Fe County Public Works Director may grant extensions of up to two (2) additional months on a case-by-case basis for good cause shown."

Section 3. PRIOR DEADLINE OF NO EFFECT. The deadline imposed in Section 6(A) of Ordinance 2016-04, as originally enacted, shall be of no force or effect and shall not be enforced.

Section 4. ORDINANCE REMAINS IN EFFECT, AS AMENDED. Except as expressly amended hereby, Ordinance No. 2016-04 remains unchanged and in full force and effect.

Section 5. EFFECTIVE DATE. Pursuant to NMSA 1978, Section 4-37-9(C), this Ordinance shall become effective immediately upon being duly filed in the records of the County Clerk; *provided*, however, that if a court of competent jurisdiction should declare Section 4-37-9(C) inapplicable, then this Ordinance shall become effective thirty (30) days after it is recorded in the office of the County Clerk.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THIS 28th DAY OF OCTOBER, 2016.

BOARD OF COUNTY COMMISSIONERS


By: _____
Miguel M. Chavez, Chair

ATTEST:

Geraldine Salazar
Santa Fe County Clerk

Date: _____

APPROVED AS TO FORM:



FS Gregory S. Shaffer
Santa Fe County Attorney

Date: 10/25/2016